

REMARKS

Applicants acknowledge receipt of a Final Office Action dated January 08, 2008. Reconsideration of the present application is respectfully requested in view of the foregoing amendments and the remarks which follow.

Status of the Claims

Claims 1, 2, 4-7, 10, 13-15, 17-20, 24, 25, 28-30, 32-35, 38, 42-81 were pending and under active consideration in the present application. With this submission, claims 1, 2, 6, 13-15, 24, 43-46, 55, 56, 67-69, 71 and 74 have been amended; claims 82-91 have been newly added; and claims 3, 8-12, 16, 21-23, 26-42, 57-66, and 75-80 have been canceled without prejudice or disclaimer. Following entry of these amendments, therefore, claims 1, 2, 4-7, 13-15, 17-20, 24, 25, 43-56, 67-74, and 81-91 will be pending and under active consideration in the application.

Support for the “at least 80% identical to any one of SEQ ID NOS 1 and 10-28” may be found, at least, at paragraph [0035] of the publication of the instant application, U.S. 2005/0058982. Support for both modified and unmodified siRNA may be found, at least, in paragraph [0064]. The remaining amendments are clerical in substance.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 1, 2, 4-7, 10, 13-15, 17-20, 24, 25, 28-30, 32-35, 38, and 42-81 stand rejected for allegedly failing to comply with the written description requirement under 35 U.S.C. § 112, first paragraph. Office Action, p. 3-5. The Examiner maintains that “the genus [of siRNAs] reads broadly on any siRNA that targets HCV in the various regions claimed, including species with non-homologous species (e.g. including 80% variance), and which siRNA inactivates or inhibits replication of HCV. The instant specification[, however,] teaches the design of several siRNA molecules directed to various regions of the HCV genome (Fig. 2) and the ability of these species, in modified and unmodified form, to inhibit HCV replication in vitro.” Office Action, p. 4. Applicants respectfully traverse this rejection.

Applicants respectfully submit that the claims now pending satisfy the written description requirement of Section 112. The claims as amended recite only those sequences that have been specifically disclosed and sequences that are 80% identical thereto, *with the*

functional limitation that the RNA molecule be further capable of inactivating HCV virus.

For at least this reason, Applicants respectfully submit that the claimed invention complies with the written description requirement.

In view of the foregoing amendments and remarks, Applicants respectfully request the withdrawal of the rejection of claims 1, 2, 4-7, 10, 13-15, 17-20, 24, 25, 28-30, 32-35, 38, and 42-81 under 35 U.S.C. § 112, first paragraph.

Rejections Under 35 U.S.C. § 103

Claims 1, 2, 4-7, 10, 13-15, 17-20, 24, 25, 28-30, 32-35, 38, and 42-81 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over the combined teachings of USP No. 6,001,990 to Wands *et al.* and WO 95/30746 to Wakita *et al.* in view of seven additional references. Office Action, p. 5-6. Applicants respectfully traverse this rejection on the following grounds.

It is axiomatic that in order to establish a *prima facie* case of obviousness, a single prior art reference or a combination of references must teach or suggest each and every claim feature of the claimed invention. Applicants respectfully submit that the proposed combination of references does not satisfy at least this requirement. None of the cited references, either alone or in combination, teach RNA molecules at least 80% identical to any one of SEQ ID NOS 1 and 10-28, which molecules are additionally capable of inactivating Hepatitis C virus.

Therefore, Applicants respectfully submit that the combination of cited references cannot render any of the pending claims obvious. Accordingly, Applicants respectfully request withdrawal of the Section 103 rejection.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully submit that all of the pending claims are now in condition for allowance. An early notice to this effect is earnestly solicited. If there are any questions regarding the application, the Examiner is invited to contact the undersigned at the number below.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date

June 9, 2008
FOLEY & LARDNER LLP

Customer Number: 22428

Telephone: (202) 672-5483

Facsimile: (202) 672-5399

By

Richard C. Peet
Richard C. Peet, Ph.D.
Attorney for Applicants
Registration No. 35,792